IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 32478 of 2007(N)

PETITIONER:

SHINY, CHULLIPARAMBIL HOUSE,
CIVIL LINE ROAD, AYYANTHOLE,
THRISSUR - 3.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY,
THRISSUR.

2. THE SECRETARY,
CORPORATION OF THRISSUR,
THRISSUR.

3. UNIDESIGN BUILDERS AND DEVELOPERS PVT.
LTD., REPRESENTED BY ITS MANAGING DIRECTOR,
V.K.PRASANTH, AYYANTHOLE, THRISSUR.

4. V.K.PRASANTH, MANAGING DIRECTOR,
UNIDESIGN BUILDERS AND DEVELOPERS PVT.LTD.,
AYYANTHOLE, THRISSUR.

BY SRI. K.B. MOHANDAS, SC
ADV. SRI.P.GOPINATH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C). NO. 32478 OF 2007

Dated this the 15th day of November, 2007

J U D G M E N T

Learned standing counsel for the Corporation submits that as directed in the interim order inspection was conducted. In the said inspection it was revealed that the constructions, which have been taken up by respondents 3 and 4, are illegal. According to the learned counsel a demolition order has been served on respondents 3 and 4. Sri. Gopinatha Menon, who appears for respondents 3 and 4, submits that he has no instruction regarding service of the demolition order on his clients. Passing of final determination order without giving an opportunity to respondents 3 and 4, according to the learned counsel, will not be legal.

2. In view of the rival submissions addressed at the Bar, I am of the view that the writ petition can be disposed of considering the various grounds raised and the contentions sought to be raised by issuing the following directions:

The order stated to have been issued by the Corporation to respondents 3 and 4 will be treated as a provisional order.

Respondents 3 and 4 will file objections to that order within 10 days on receiving a copy of this order. If objections are so filed, the 1st respondent Corporation, Thrissur, will hear respondents 3 and 4 and also the petitioner and pass final orders only after 7 days of service of the above order on respondents 3 and 4, will the final order be implemented. If any party is aggrieved by the final order, it is open to them to pursue their statutory remedy as against the final order.

The writ petition is disposed of as above.

PIUS C. KURIAKOSE, JUDGE

vps